

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
Tuesday, September 11, 2007, 9:00 a.m.
City Hall Conference Room
300 North Loraine
Midland, Texas**

These items, as well as any other items on the regular posted agenda for the City Council Meeting on this date, may be discussed:

- ❖1. Discuss FY07 preliminary year end financial information and discuss potential capital projects.

AGENDA FOR CITY COUNCIL MEETING
Tuesday, September 11, 2007 – 10:00 a.m.
Council Chamber – City Hall

The Midland City Council agenda is posted for public notice at least 72 hours prior to the Tuesday meetings. All requests to be placed on the Council agenda by the public must be submitted to the City Manager, in writing, at least one week before the Council meetings. Such written requests must be in sufficient detail to identify the subject matter as well as the contact person who will represent the matter before the Council. The City Council reserves the right to not consider matters over which the City has no jurisdiction.

❖Item related to City Council goals

1. Invocation – Reverend George Bell, Great Ideal Baptist Church
2. Pledge of Allegiance

MISCELLANEOUS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of Resolution of Commendation to retiring City employee Roy Sanders.
 - ❖b. Presentation of the Texas Commission on Environmental Quality (TCEQ) Total Coliform Rule Program Award for 2006 to the Water Purification Plant.

CONSENT AGENDA

4. Consider a motion approving minutes of the August 21, 2007 Special City Council Meeting and the August 28, 2007 Regular City Council Meeting.

5. Consider a resolution authorizing the purchase of nine (9) truck bodies of assorted configurations.
6. Consider a resolution by the City of Midland, Texas suspending the September 25, 2007, effective date of the proposal by Atmos Energy Corp., West Texas Division to implement interim GRIP rate adjustments for gas utility investment in 2006; authorizing participation with the Atmos West Texas Cities Steering Committee in a review and inquiry into the sufficiency of the filing and the basis of the proposed rate adjustments; authorizing intervention in administrative and court proceedings involving the proposed GRIP rate adjustments; requiring reimbursement of reasonable legal and consultant ratemaking costs; and requiring delivery of this resolution to the company and legal counsel.
7. Consider a resolution authorizing the execution of a Community Development Block Grant contract with Community and Senior Services of Midland, Incorporated, for a Senior Nutrition Program.
8. Consider a resolution authorizing the execution of a Community Development Block Grant contract with Casa de Amigos for a Homecleaning Program.
9. Consider a resolution authorizing the execution of a Community Development Block Grant contract with the Permian Basin Workforce Development Board for a Childcare Management Services Program.
10. Consider a motion to approve a request for deferral of water and sewer improvements and street paving with curb and gutter, to waive the associated public improvement guarantee, and to defer sidewalk construction for Skyview Development, Section 6.

11. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Bradley Texas Realty, L.P., for Northgate Addition, Section 23; said agreement being authorized by Section 395.081 of the Texas Local Government Code.
12. Consider a resolution authorizing the execution of a workforce housing incentive agreement with Robles Realty, for the development of single-family residential construction in the City and County of Midland, Texas; said agreement being authorized by Chapter 380 of the Texas Local Government Code; and establishing an incentive program for the construction of single-family workforce housing.
13. Consider a resolution authorizing the execution of a workforce housing incentive agreement with Midessa Homes, LLC, for the development of single-family residential construction in the City and County of Midland, Texas; said agreement being authorized by Chapter 380 of the Texas Local Government Code; and establishing an incentive program for the construction of single-family workforce housing.
14. Consider a resolution authorizing the execution of a workforce housing incentive agreement with the Midland Community Development Corporation ("MCDC"), for the development of single-family residential construction in the City and County of Midland, Texas; said agreement being authorized by Chapter 380 of the Texas Local Government Code; and establishing an incentive program for the construction of single-family workforce housing.
15. Consider a resolution accepting a grant award from the 2007 Justice Assistance Grant Program; authorizing the execution of acceptance documents; and appropriating funds.
16. Consider a resolution accepting a grant from the Texas Department of Transportation to be used to conduct a Fiscal Year 2007-2008 Comprehensive Special Traffic Enforcement Program; authorizing the execution of acceptance documents; and appropriating grant funds.

17. Consider a resolution appropriating funds to the Fiscal Year 2007 Weapons Acquisition Project (8820) for the replacement of Midland Police Department duty weapons.
18. Consider a resolution accepting a grant from the Permian Basin Regional Planning Commission for Solid Waste Management Projects; authorizing the execution of acceptance documents; and appropriating the grant funds to a project.
- ❖19. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Water Purification Plant Improvements Project.
20. Consider a resolution authorizing the execution of an agreement with the Commemorative Air Force, Incorporated, for the staging of an air show at the Midland International Airport (September 28th through September 30th, 2007).
21. Consider a resolution approving amended protective covenants applicable to Entrada Enterprise Park located in Midland International Airport Industrial Park, Section 5, Midland, Midland County, Texas; said covenants were approved by the Midland Development Corporation on August 31, 2007.
22. Consider a resolution authorizing the City Attorney to acquire a 3.08 acre tract of land out of Section 13, Block 40, T-1-S, T&P RR Company Survey, Midland County, Texas, from Fasken Land & Minerals, Ltd.; authorizing acceptance of an easement located in a 6.86 acre tract of land out of Section 13, Block 40, T-1-S, T&P RR Company Survey, Midland County, Texas, from Fasken Land & Minerals, Ltd.; authorizing the execution of all necessary legal instruments; authorizing payment for closing costs and title insurance; ordering recordation by the City Secretary; and approving the installation of water taps.
23. Consider a resolution assigning authority for qualified mortgage bonds for 2007 to the Midland County Housing Finance Corporation.

24. Consider a resolution assigning authority for qualified mortgage bonds for 2008 to the Midland County Housing Finance Corporation.

SECOND READINGS

25. Consider an ordinance on second reading changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting a 1.31-acre tract of land situated in Section 26, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned 1F-2, One-Family Dwelling District, to be used as a 1F-3, One-Family Dwelling District; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication.
26. Consider an ordinance on second reading changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting Lot 1A, Block 6, Westridge Park Addition, Section 9, City and County of Midland, Texas, which is presently zoned PD, Planned District for an Office Center, to be used as an Amended PD, Amended Planned District for an Office Center; providing for such use to be subject to certain special conditions and restrictions as setout herein; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication.
27. Consider an ordinance on second reading changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting a 1.51-acre portion of Lot 6, Block 20, Western Hills, Section Three, City and County of Midland, Texas, which is presently zoned 1F-3, One-Family Dwelling District, to be used as a TH, Townhouse District; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication.
28. Consider an ordinance on second reading changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting Lot 1, Block 4, Westridge Park Addition, Section 6, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Shopping Center, to be used as an Amended PD, Amended Planned District for a Shopping Center; providing for such use to be subject to certain special conditions and restrictions as setout herein; containing a cumulative clause; containing a savings and

severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication.

PUBLIC HEARINGS

29. At 11:00 a.m. hold a public hearing and consider an ordinance on a request by MBC Properties, Inc. for a zone change from AE, Agriculture Estate District, to 1F-1, One-Family Dwelling District on Tract 12, North Estates, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Carol Lane and Hollyberry Lane.)
30. At 11:03 a.m. hold a public hearing and consider an ordinance ON APPEAL on a request by Bill Kirby for a request for a Special Exception to the Zoning Code for a six-foot tall fence in the front yard setback on Lot 14, Block 3, Plantation Hills, Section 2, City and County of Midland, Texas. (Generally located on the west side of Belle Grove Court south of Bluebird Lane.)
31. At 11:06 a.m. hold a public hearing and consider a resolution on a request by Arcelia / Bertha Renteria for an Extension for a Special Temporary Land Use Permit for a Manufactured Home on Lot 9, Block 1, Holloway, City and County of Midland, Texas. (Generally located on the east side of Terrell Street, approximately 150 feet south of Cuthbert Avenue.)
32. At 11:09 a.m. hold a public hearing and consider an ordinance on a city-initiated request to amend Section 11-10-1 to exempt development in the IP-1, Industrial Park District from the Site Plan Review Standards and to amend Section 11-8-3 to exempt the IP-1, Industrial Park District from the Freight and Portable Storage Containers regulations.
 - a. Consider an ordinance amending Title XI, "Planning and Development", Chapter 10, "Site Plan Review Standards", Section 1, "General Considerations", of the City Code of Midland, Texas.
 - b. Consider an ordinance amending Title XI, "Planning and Development", Chapter 8, "Freight and Portable Storage Containers", Section 3, "Exceptions", of the City Code of Midland, Texas.

33. At 11:12 a.m. hold a public hearing and consider a resolution on a request by First United Methodist Church for a Temporary Land Use Permit for a Parking Lot on Lot 15, Block 26, Wyndwood Estates, Section 5, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of N. Loop 250 West and Preston Drive.)
34. At 11:15 a.m. hold a public hearing and consider a resolution on a request by Stonegate Fellowship for a Temporary Land Use Permit for a modular building on Lot 1, Block 4, Grandridge Park Addition, Section 3, City and County of Midland, Texas. (Generally located on the northwest corner of W. Wadley Avenue and Crowley Boulevard.)

MISCELLANEOUS

35. Consider a resolution authorizing the Mayor to execute a revocable license agreement with the Union Pacific Railroad Company regarding repairs to railroad right-of-way, commonly referred to as Industrial Avenue; ratifying all prior acts.
36. Consider a motion making appointments to various Boards and Commissions.
37. Recess to the conference room for lunch.
38. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:

Consultation with the City Attorney Section 551.071

Discuss litigation styled Endeavor Energy Resources, L.P. v. City of Midland, Texas, in the United States District Court for the Western District of Texas, Midland-Odessa Division; Cause No. MO-07-CV-046.

Respectfully submitted,

Tommy T. Hudson
Interim City Manager